

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE

KELLY NAGLE

C.A. No.

2007 OCT 25 AM 10:44
07 - 673

v.

DONALD B. TURNER and
J.B. HUNT TRANSPORT, INC.
J.B. HUNT, INC.

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE:

Defendants, J.B. Hunt Transport, Inc. and Donald B. Turner, by and through their
attorneys, Rawle and Henderson, LLP, respectfully aver as follows:

1. Plaintiff has commenced a civil action against defendants in the Superior Court of
Delaware in and for New Castle County which was filed on or about March 20, 2007. (*See
attached Notice of Service of Process as Exhibit "A"*)

2. Accordingly, this Notice of Removal was timely filed within thirty (30) days of
receipt of an order or other paper that case is one which is or has become removal. 28 U.S.C.
§1446 (b). (*See attached Stipulation of Dismissal of J.B. Hunt, Inc. as Exhibit B.*)

3. In the Complaint, Plaintiff alleged that as a result of the motor vehicle accident at
issue in this lawsuit, she sustained "serious physical injuries as well as lost wages.." (*See
Exhibit "A"*)

4. The medical records of National Medical Imaging indicate the Plaintiff has a
bulging disc at L5-S1. In addition, Dr. Bonner reported that an EMG revealed L5 nerve root
irritation with mild radiculopathy. (*See attached reports as Exhibit "C" and "D", respectively.*)

5. Based upon a fair reading of the Complaint and the attached medical records, plaintiff has set forth a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interest and costs, may be at stake.

6. Defendant, J.B. Hunt Transport, Inc., at all material times, was and is a corporation incorporated under the laws of the State of Georgia with its principal place of business located in Lowell, Arkansas.

7. Defendant, Donald B. Turner, at all material times, was and is a citizen of the State of New Jersey.

8. At all material times hereto, based upon information and belief, plaintiff is and was a citizen of Pennsylvania although the Complaint asserts she is a resident of Delaware. (*See Exhibit A*)

9. Diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiffs and defendants since:

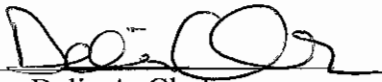
- (a) plaintiff is a citizen and resident of the State of Delaware; and
- (b) remaining defendants are not citizens or residents of the State of Delaware.

10. Furthermore, diversity of citizenship of the remaining parties existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendants are entitled to removal pursuant to 28 U.S.C. §1441 as amended, and 28 U.S.C. §1446.

11. The undersigned counsel also represents Defendant, Donald Turner, and he has consented to the removal of this action.

WHEREFORE, defendants, J.B. Hunt Transport, Inc. and Donald B. Turner pray that the above-captioned action now pending in the Superior Court of Delaware in and for New Castle County, be removed there from to This Honorable Court.

RAWLE & HENDERSON LLP

By: 

Delia A. Clark
Attorneys for Defendants,
J.B. Hunt Transport, Inc.
and Donald B. Turner
300 Delaware Avenue, Ste. 1015
Wilmington, DE 19801
(302) 778-1200

Dated: October 24, 2007

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within-captioned Notice of Removal Pursuant to 28 U.S.C. §1446(d) was served via first-class mail, postage prepaid, on counsel for plaintiff listed below:

William O'Day Jr.
Woloshin, Lynch, Natalie & Gagne
3200 Concord Pike
Wilmington, DE 19803

RAWLE & HENDERSON LLP

A handwritten signature in black ink, appearing to read 'Delia A. Clark', written over a horizontal line.

Delia A. Clark

Dated: October 24, 2007

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

KELLY NAGLE.

:

:

C.A. 07c-03-103 (JOH)

:

v.

:

DONALD B. TURNER

:

and J.B. HUNT TRANSPORT, INC.

:

07 - 673

**NOTICE OF REMOVAL TO FEDERAL COURT
PURSUANT TO 28 U.S.C. § 1446(D)**

TO THE CLERK OF THE COURT:

Pursuant to 28 U.S.C. § 1446(d), defendants, J.B HUNT TRANSPORT, INC. and DONALD B. TURNER, file herewith a copy of the Notice of Removal which has been filed in the United States District Court for the District of Delaware.

RAWLE & HENDERSON LLP

By: /s/ Delia A. Clark
Delia A. Clark (DAC 3337)
Attorneys for Defendants
300 Delaware Avenue, Ste. 1015
Wilmington, DE 19801
(302) 778-1200

Dated: October 24, 2007

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within-captioned Notice of Removal Pursuant to 28 U.S.C. §1446(d) was served via first-class mail, postage prepaid, on counsel for plaintiff below:

William O'Day Jr.
Woloshin, Lynch, Natalie & Gagne
3200 Concord Pike
Wilmington, DE 19803

RAWLE & HENDERSON LLP

By: /s/
Delia A. Clark
Attorneys for Defendants
J.B. Hunt Transport, Inc.
James W. Reed

Dated: October 24, 2007

07 - 673

EXHIBIT “A”

07-673

201374
A0502759

32

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

KELLY A. NAGLE,

Plaintiff,

v.

DONALD B. TURNER,

J.B. HUNT TRANSPORT, INC. and

J.B. HUNT INC.,

Defendants.

C.A. No.: 07C-03-103 SED

SUMMONS

IN SHERIFF'S OFFICE
NEW CASTLE COUNTY
2007 MAR 20 AM 9:35

The State of Delaware,
To the Sheriff of New Castle County:

Your are commanded:

To summon the above named defendant so that, within 20 days after service hereof, exclusive of the day of service, defendant shall serve upon William L. O'Day, Jr., attorney for plaintiff and whose address is 3200 Concord Pike, P.O. Box 7329, Wilmington, Delaware, 19803, an answer to the complaint (and, if the complaint contains a specific notation requiring the defendant to answer any or all allegations of the complaint by affidavit, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint.

Dated: 3/16/07

Sharon Agnew
Prothonotary

To the above named Defendant:

PER

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on the plaintiff's attorney named above, an answer to the complaint (and, if the complaint contains specific notation requiring the defendant to answer any or all allegations of the complaint by affidavit, an affidavit of defense) judgment by default will be rendered against you for the relief demanded in the complaint.

Sharon Agnew
Prothonotary

PER

SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)

COUNTY: (N) K SCIVIL ACTION NUMBER: 07603-03 SCD

Civil Case Code _____

Civil Case Type _____

(SEE REVERSE SIDE FOR CODE AND TYPE)

<p>Caption:</p> <p><u>Kelly A. Nagle</u> <u>Plaintiff</u></p> <p><u>v.</u></p> <p><u>Donald B. Turner,</u> <u>J. B. Hunt Transport, Inc.</u> <u>J. B. Hunt, Inc.</u></p>	<p>DELAWARE JUDICIARY</p> <p>Name and Status of Party filing document: <u>William O'Day, Esquire</u></p> <p>Document Type: (E.G., COMPLAINT; ANSWER WITH COUNTERCLAIM) <u>Complaint</u></p> <p>Non-Arbitration _____ (CERTIFICATE OF VALUE MAY BE REQUIRED)</p> <p>Arbitration <input checked="" type="checkbox"/> Mediation _____ Neutral Assessment _____</p> <p>DEFENDANT (CIRCLE ONE) <u>ACCEPT</u> REJECT</p> <p>JURY DEMAND YES <input checked="" type="checkbox"/> NO _____</p> <p>TRACK ASSIGNMENT REQUESTED (CIRCLE ONE) <u>EXPEDITED</u> STANDARD COMPLEX</p>
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<p>ATTORNEY NAME(S): <u>William O'Day, Jr.</u></p> <p>ATTORNEY ID(S): <u>Woloski, Lynch, Nobile & Gayne</u></p> <p>FIRM NAME: <u>3200 Concord Pike</u></p> <p>ADDRESS: <u>Wilmington, DE 19803</u></p> <p>TELEPHONE NUMBER: <u>302-477-3200</u></p> <p>FAX NUMBER: <u>302-477-3210</u></p> <p>E-MAIL ADDRESS: _____</p>	<p>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS <u>None</u></p> <p>EXPLAIN THE RELATIONSHIP(S): <u>NIA</u></p> <p>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: <u>NIA</u></p> <p>(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGE)</p>
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THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER, OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEWCASTLE COUNTY

KELLY A. NAGLE,

Plaintiff,

v.

DONALD B. TURNER,

J.B. HUNT TRANSPORT, INC. and

J.B. HUNT INC.,

Defendants.

RECEIVED
OCT 25 2007
DELAWARE JUDICIARY

C.A. No.: 07C-03-103 SCD

ARBITRATION CASE

JURY OF TWELVE DEMANDED

COMPLAINT

1. Plaintiff Kelly A. Nagle (hereinafter "Plaintiff") is a resident of the State of Delaware who may be reached for purposes of this litigation through her attorney, William L. O'Day, Jr., Esquire at 3200 Concord Pike, P.O. Box 7329, Wilmington, Delaware 19803.

2. Defendant Ronald B. Turner, (hereinafter "Turner") resides at 105 Bayberry Lane, Willingboro, New Jersey, 08046 This Defendant can be served via the Secretary of State of Delaware pursuant to 10 Del.C. §3112.

3. Defendant J.B. Hunt Transport, Inc. (hereinafter "Transport") is an Arkansas Corporation and can be served for purposes of this litigation by serving its registered agent The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.

4. Defendant J.B. Hunt, Inc. (hereinafter "Hunt") is a Delaware Corporation and can be served for purposes of this

litigation by serving its registered agent The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.

5. Through information and belief, Transport is a subsidiary and/or is owned by Hunt.

6. On April 15, 2005, there occurred a collision in Wilmington, Delaware on S. Adams Street and Maryland Avenue in which the motor vehicle operated by Turner collided into the motor vehicle operated by Plaintiff. At all times relevant, Transport and/or Hunt was the owner of the vehicle operated by Bates.

7. Turner was negligent in that he:

a) failed to make a left hand turn from the furthestmost left hand lane, in violation of 21 Del.C. §4152;

b) operated a motor vehicle in a careless and imprudent manner, in violation of 21 Del. C. § 4176(a);

c) operated a vehicle without due regard for road and traffic conditions, in violation of 21 Del. C. § 4176(a);

d) operated a motor vehicle without giving full time and attention to road and traffic conditions, in violation of 21 Del. C. § 4176(b);

e) operated a motor vehicle without maintaining a proper lookout, in violation of 21 Del. C. § 4176(b);

f) operated a vehicle at a speed greater than was reasonable and prudent under the conditions and without regard to actual and potential hazards or at a speed so controlled as may be

necessary to avoid colliding with any person or vehicle, in violation of 21 Del. C. § 4168;

g) operated a motor vehicle which was not equipped with brakes adequate to control the movement of and to stop and hold such vehicle, in violation of 21 Del. C. § 4303; and

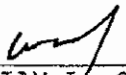
h) breached his common law duty to operate his vehicle as a reasonable and prudent person by operating his vehicle in such a manner that he struck another vehicle.

8. At all relevant times herein, Turner was an employee, servant and/or agent of Transport and/or Hunt. Turner's negligence is imputed to Transport and/or Hunt. If this allegation of agency is denied, Plaintiff specifically requires Defendants to make such denial by affidavits filed with their Answers in accordance with 10 Del.C §3916.

9. As an actual and proximate result of Defendants' negligence, Plaintiff sustained serious physical injuries as well as lost wages.

WHEREFORE, Plaintiff demands judgment against the above-named Defendants for damages, plus interest, lost wages, costs and other such relief as the Court deems just.

WOLOSHIN, LYNCH,
NATALIE & GAGNE, P.A.



WILLIAM L. O'DAY, JR. (#2483)
3200 Concord Pike, P.O. Box 7329
Wilmington, DE 19803
Attorney for Plaintiff
(302) 477-3200

DATED: 3/7/07

EXHIBIT “B”

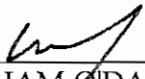
IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

FILED
PROTHONOTARY
2007 OCT 16 PM 2:28


KELLY A. NAGLE	:	
	:	C.A. NO. 07c-03-103 (SCD)
	:	
v.	:	
	:	
DONALD B. TURNER	:	ARBITRATION
J.B. HUNT TRANSPORT, INC. and:	:	JURY OF TWELVE DEMANDED
J.B. HUNT, INC.	:	

STIPULATION TO DIMSISS

AND NOW on this 11th day of October 2007, it is hereby STIPULATED and AGREED by William L. O'Day, Jr., counsel for plaintiff, and Delia A. Clark of Rawle & Henderson LLP, counsel for defendants Donald B. Turner and J.B. Hunt Transport, Inc., that J.B. Hunt, Inc. is dismissed as a party in the above-captioned matter.



WILLIAM O'DAY, JR.
Attorneys for Plaintiff, Kelly Nagle



DELIA A. CLARK
RAWLE & HENDERSON, LLP
Attorneys for Defendants,
Donald B. Turner and J.B. Hunt
Transport, Inc.

SO ORDERED on this day of , 2007

J.

EXHIBIT “C”

Nagle, Kelly : MRI Lumbar Spine WC ntrast

Page 1 of 1



April 27, 2005

REFERRING PHYSICIAN:

James F. Bonner, M.D.
217 Kedron Avenue
Folsom, PA 19033

Fax: 610-532-7856

PATIENT: Nagle, Kelly

FILE NUMBER: -9498

DATE OF BIRTH: -77

DATE OF STUDY: April 27, 2005

MEDICAL RECORD #: 9498

ORDER #: 155742

Clinical Diagnosis: Pain.

MRI LUMBAR SPINE:

TECHNIQUE: Sagittal and axial imaging was obtained. Sequences included T1, as well as T2 weighted imaging. Plain film radiographs are not available for review.

COMMENTS: Subtle desiccation is present at the L5-S1 level. There is no spondylolisthesis. The conus medullaris appears normal.

No evidence of herniation or bony canal stenosis involves the L1-2 through L4-5 levels

The L5-S1 level demonstrates subtle left-sided bulging of the disc with some narrowing of the left neural foramen. The central canal and right neural foramen are well maintained.

CONCLUSION: Left-sided bulging of the disc at the L5-S1 level with impingement upon the left neural foramen.

Thank you very much for the opportunity to examine your patient.


Richard Chesnick, M.D.
RC/TL174

Radiologist: Richard Chesnick, M.D.

EXHIBIT “D”

PHYSICAL THERAPY PHYSICIANS

JAMES F. BONNER, M. D.

PETER B. BANDERA, M. D.

217 KEDRON AVENUE

FOLSOM, PA 19033

TELEPHONE (610) 532-2633 FAX (610) 532-7856

CLINICAL NOTE

Patient's Name: KELLY NAGLE

Date of EMG: MAY 12, 2005

Kelly was seen on 5/12/05. She reports that she continues with pain in the lumbar spine radiating to the left lower extremity and notes that her other complaints seem to be improving well with therapy.

Her physical examination reveals tenderness in the left SI joint, tenderness in the left greater sciatic notch with mild straight leg raising.

Nerve conduction studies of both lower extremities were performed. The H reflex was found to be symmetric at 28 milliseconds bilaterally. The tibial latencies were 4.5 milliseconds bilaterally. The peroneal distal motor latency was 4.7 milliseconds bilaterally with an F wave of 45 milliseconds. The amplitude on the left side was mildly reduced when compared to the right. The amplitude was 7/8 of the right side. The sural responses were found at 2.9 milliseconds bilaterally.

EMG examination of the lumbar paraspinals was performed. There was an increase in insertional activity with +1 positive waves in the left L5 paraspinals with the remaining muscles showing an electrical silence at rest. Examination of the lateral gastrocnemius and peroneus longus revealed a decrease in the interference pattern, but no spontaneous potentials were visualized on the left side.

In summary, the electrodiagnostic examination reveals evidence of L5 nerve root irritation with mild radiculopathy.

At this time, medial facet blocks were performed with 20mg of Depo-Medrol and 1/2cc of Xylocaine at L3-4, L4-5, and L5-S1 on the left, and the left SI joint was infiltrated with 20mg of Depo-Medrol and 1/2 cc of Xylocaine. The patient was advised on a home cryotherapy program.

She will continue with outpatient therapy and I will see her in follow up in two weeks time.



James F. Bonner, M.D.

JFB/tg

Dictated, but not read. Signed in his absence.

JS 44 Rev 3/99

07-673

CIVIL COVER SHEET

ORIGINAL

The JS-120

44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

Kelly Nagle

(b) County Of Residence Of First Listed Plaintiff New Castle County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, And Telephone Number)

William O'Day, Jr.
Woloshin, Lynch, Natalie & Gagne
3200 Concord Pike
Wilmington, DE 19803.

DEFENDANTS

Donald B. Turner and J.B Hunt Transport, Inc.

County Of Residence Of First Listed _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known) Delia A. Clark

Rawle & Henderson, LLP

300 Delaware Avenue, Suite 1015
Wilmington, DE 19801

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1. U.S. Government Plaintiff
- ☐ 2. U.S. Government Defendant
- ☐ 3. Federal Question
(U.S. Government Not a Party)
- ☒ 4. Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

For diversity cases only

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|---|---------------------------------------|--|--------------------------------|---------------------------------------|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated or Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury--Med Malpractice <input type="checkbox"/> 365 Personal Injury--Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 810 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21, USC <input type="checkbox"/> 830 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 780 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395FF) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/ OIWW(405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes <input type="checkbox"/> 871 IRS - Third Party 20 USC 7809	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite The U.S. Civil Statute Under Which You Are Filing And Write A Brief Statement Of Cause)

Do Not Cite Jurisdictional Statutes Unless Diversity.) Diversity of Citizenship pursuant to 28 U.S.C §1332

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions)

DATE: October 24, 2007

SIGNATURE OF ATTORNEY OF RECORD

DOCKET NUMBER

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT \$ _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____